

Application Form D-VH

*Detach and read these instructions before completing this form.
Make sure all applicable spaces have been filled in before you return this form.*

BASIC INFORMATION

Form D-VH should be used for the registration of an original design of a vessel hull which makes the hull attractive or distinctive in appearance to the purchasing or using public. A vessel hull includes the design of a plug or mold used to manufacture the vessel hull.

Definition: A "vessel" is a craft designed to navigate on water, but does not include any such craft that exceeds 200 feet in length. A "hull" is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging. A "plug" is a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information. A "mold" is a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

Design Protection: Design protection for vessel hulls is available only for original designs that are embodied in an actual vessel hull: no protection is available for designs that exist only in models, drawings or representations. Staple or commonplace designs, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary, are not protected. Designs that are different from staple or commonplace designs only in insignificant details or in elements which are variants commonly used in the relevant trades are also not protectible. Designs which are embodied in a vessel hull that were made public by the designer or owner in the United States or a foreign country more than 1 year before the date of this application are also not eligible for protection. Finally, no protection is available for designs which were made public prior to October 28, 1998.

Design protection afforded under chapter 13 of title 17, United States Code, commences upon publication of the registration by the Copyright Office, or upon the date the design is first made public, whichever date is earlier. Design protection is for a period of ten years, terminating at the end of the calendar year in which the ten year period expires. However, the provisions of chapter 13 are scheduled to expire on October 27, 2000, and design protection will terminate at that time unless the law is renewed by Congress.

Drawings or Photographs to Accompany Application: The drawings or photographs of the design are a critical element of a design protection application. Because the drawings or photographs constitute the entire visual disclosure of the design, it is of the utmost importance that they be clear and complete, and that they include a sufficient number of views so that the appearance of the design is adequately shown. All drawings or photographs must be submitted on plain white, 8 1/2" x 11" unruled paper. Such paper should be flexible, strong, smooth, non-shiny and durable. All sheets must be free from cracks, creases, and folds. Only one side of a sheet may be used for drawings or photographs.

IMPORTANT NOTE: Because the certificate of registration requires reproduction of the drawings or photographs of the design, a charge of \$20 per sheet of depictions of the design, beyond three pages, is required in addition to the basic \$75 application fee.

The Views: The drawings or photographs should contain a sufficient number of views to completely disclose the appearance of the design, i.e. front, rear, right and left sides, top and bottom. While not required, it is suggested that perspective views be submitted to show clearly the appearance and shape of three dimensional designs. No more than two drawings or photographs of the design may appear on a single sheet. In addition, no combinations of drawings and photographs may be submitted on a single sheet.

It is extremely important that the drawings or photographs that accompany the application reveal all aspects of the design for which protection is claimed. The

registration extends only to those aspects of the design that are adequately shown in the drawings or photographs.

Drawings. Drawings are required to be in black ink on white 8 1/2" x 11" unruled paper. A drawing of a design should be provided with appropriate surface shading which shows clearly the character and contour of all surfaces of any 3-dimensional aspects of the design. Surface shading is also necessary to distinguish between any open and solid areas of the design. Solid black surface shading is not permitted except when used to represent the black color as well as color contrast.

The use of broken lines in drawings depicting the design is understood to be for illustrative purposes only and forms no part of the claimed design. Structure that is not part of the design, but that is considered necessary to show the environment in which the design is used, may be represented in the drawing by broken lines. This includes any portion of the vessel hull in which the design is embodied or applied that is not considered part of the design. When the claimed design is only surface ornamentation to the vessel hull, the vessel hull in which it is embodied must be shown in broken lines.

In general, when broken lines are used, they should not intrude upon or cross the image of the design and should not be of heavier weight than the lines used in depicting the design. Where a broken line depiction of environmental structure must necessarily cross or intrude upon the representation of the design and obscures a clear understanding of the design, such an illustration should be included as a separate figure, in addition to other figures which fully disclose the subject matter of the design.

Photographs. The Copyright Office will accept high quality black and white or color photographs provided that they are mounted on plain white 8 1/2" x 11" unlined paper, not to exceed two photographs per sheet. Photographs must be developed on double weight photographic paper and must be of sufficient quality so that all the details of the design are plainly visible and are capable of reproduction on the registration certificate, if issued.

Design Protection Different from Copyright Protection: Although design protection and copyright protection under title 17 of the United States Code are both administered by the Register of Copyrights, they are not identical. Design protection differs significantly in most respects, including term of protection, ownership, eligibility, scope of protection and registration procedures. While some designs that are eligible for design protection may also be eligible for copyright protection, design registration does not include a copyright registration. Copyright registration must be made separately.

Design Protection Not Available for Patented Designs: Design protection under chapter 13 of title 17, United States Code, is not available, and registration may not be made, for designs that have received patent protection under title 35 of the United States Code.

For Forms or Information: For information, write or call the Copyright Office, Library of Congress, Washington, D.C. 20559-6000, (202) 707-3000. For forms call (202) 707-9100. You may copy blank application forms; however, photocopies of Form D-VH submitted to the Copyright Office must be clear, legible, on a good grade of 8 1/2 inch by 11 inch paper, suitable for automatic feeding through a photocopier. Forms not meeting these requirements will be returned.

PRIVACY ACT ADVISORY STATEMENT

Consistent with the Privacy Act of 1974 (P.L. 93-579):

The authority for requesting the information on this application form is 17 U.S.C. §1301 et. seq., which provide for registration of designs of vessel hulls for which design protection is claimed. Furnishing of the information is voluntary, but if the information is not furnished, it is probable that registration will be refused. Unless a judicial appeal should result in an order compelling registration, any inchoate rights in the design would be forfeited at the expiration of one year from the date the design embodied in the useful article was made public by the designer or owner in the United States or a foreign country.

The principal uses of the requested information are the examination of the application for registration to determine compliance with legal requirements and the establishment and maintenance of a public record of claims of protection.

Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogues of designs, preparation of search reports upon request, and on-line publication of registrations.

NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if the Office communicates with you regarding this application.

LINE BY LINE INSTRUCTIONS

1

SPACE 1: Title

The make and model of the vessel which embodies the design for which protection is sought must be provided for purposes of identification and cataloging. If a design is used for more than one make and model, list each make and model in this space. The make and model will typically include the name of the manufacturer and the model identification given the vessel, including any descriptive information, such as the general categorization or type of the vessel, that is useful to the identification. Examples: "Tracker Tahoe Q 5 runabout;" "Ranger Commanche 518VX bass boat."

2

SPACE 2: Design

Space 2a requires identification of the type or style of the design for which protection is sought. The identification of the type or style should be general and, where possible, conform with accepted industry classifications. Examples: "fiberglass tri-hull;" or "aluminum pontoon."

Space 2b requests a brief description of the salient features of the design. While the description should be brief, it should be sufficiently descriptive to allow easy identification of the design for which protection is sought (examples: "design of transom," or "configuration of

deck”), and to assist in the determination of the originality of the design. Space 2-b is optional. Although it is desirable that such a description be provided, the absence of a description shall not prevent registration.

If the design is derived from a prior design, Space 2-c should be completed. The description of the revisions, adaptations or rearrangements that make the new design original should be sufficiently detailed to enable identification of the new design from the prior design.

Use a continuation sheet, FORM D-VH\CON, if additional space for Space 2 is required.

IMPORTANT NOTE: A single application may be used for more than one design embodied in a vessel provided that the information contained in all spaces of the application other than Space 2 is the same for each design. If the information is different in one or more of the spaces (e.g., registration is sought for two designs in the same vessel and the name of the designer in Space 3 is different for each design), then separate applications should be used. The \$75 application fee applies to each design submitted, regardless of whether the designs are submitted on one or more applications.

For applications for registration of multiple designs, Form D-VH/CON must be used to identify each design beyond the design specified in the basic Form D-VH. Use an additional Form D-VH/CON for each design included in the registration, and attach the deposit material identifying each design to the corresponding Form D-VH/CON. The space on Form D-VH/CON stating “Design ___ of ___ designs” should be completed (e.g., “Design 2 of 3 designs”), and the same information (e.g., “Design 2 of 3 designs”) should be placed on each page of drawings or photographs of the corresponding design.

3 SPACE 3: Designer(s)

The designer is the person or persons whose creative endeavors have resulted in the creation of the design. The name of the owner of the design may be substituted for that of the designer if the design was made within the regular scope of the designer's employment and the individual authorship of the design is difficult or impossible to ascribe due to the number of employee designers who contributed to the creation of the design.

4 SPACE 4: Owner

Space 4 must be completed if the owner of the design is not the designer and the owner was not identified in Space 3.

5 SPACE 5: Priority Claim

If an application for registration of a design is filed with the Copyright Office by any person who has, or whose representative or predecessor or successor in title has, previously filed an application for registration of the same design in a foreign country, then protection under chapter 13 of the Copyright Act commences on the date that the application was first filed in the foreign country, provided that such date was within 6 months of the filing of the application for the design with the Copyright Office. The benefit of the earlier date of registration in the foreign country only applies where the law of the foreign country (1) extends to designs of owners who are citizens of the United States; and (2) the law of the foreign country affords similar protection to the design as that found in chapter 13 of the Copyright Act. Applicants must submit additional information and documents; see the Copyright Office regulations at 37 CFR §212.3(h)

6 SPACE 6: Date Made Public

Applications will not be accepted for designs that were made public prior to October 28, 1998 because the law provides that such designs are not subject to protection. A design is generally considered to be “made public” if it is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner's consent. Protection for a design commences on the earlier of the date of publication of the registration or the date the design was first made public.

7 SPACE 7: Contact Person

Give the name, address, e-mail address (if any), daytime phone number and facsimile number (if any) of the person to contact if further information regarding the application is needed

8 SPACE 8: Deposit Account

Complete Space 8 if an existing deposit account is to be charged for the filing fee.

9 SPACE 9: Certification and Sworn Statements

In order to obtain a registration of a vessel hull design, the applicant, or the applicant's duly appointed agent or representative, must complete the declaration in Space 9. Applicants, or their duly appointed agents or representatives, should read the declaration very closely before signing it. Willfully making false statements is punishable by fine or imprisonment, or both, and may jeopardize the validity of the application and any resulting registration. The declaration contained in Space 9 need not be notarized.

If the design has been made public with a design notice as prescribed in 17 U.S.C. §1306, then the form and location of the notice must be disclosed. The affixation of a notice is not a condition of protection under the law, but omission of the notice can affect an owner's recovery and relief in the event of an infringement action. The notice consists of three elements: 1) the words “Protected Design”, the abbreviation “Prot'd Des.”, or the letter “D” with a circle, or the symbol *D*; 2) the year of the date on which protection for the design commenced; and 3) the name of the owner of the design, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner. A distinctive identification of the owner may be used in lieu of the name if the distinctive identification has been recorded with the Copyright Office before the design marked with such identification is registered. Contact the Copyright Office for information regarding recordation of distinctive identifications.

In addition to the form of the design notice, its location on the vessel must also be disclosed. The design notice must be located and applied in such a fashion as to give reasonable notice of design protection while the vessel is passing through normal channels of commerce. Only a single notice is required to appear on the vessel, although multiple locations are acceptable. Acceptable locations for a design notice include, but are not limited to, the following: in close proximity to the hull identification number required by the Coast Guard Regulations set forth at 33 C.F.R. §181.23; in close proximity of the driver's console such that it is in plain view; if the vessel is twenty feet in length or less and is governed by the Coast Guard's regulations set forth at 33 C.F.R. §183.21, in close proximity to the capacity marking; or in close proximity to the make and model designation of the vessel. The notice should be affixed to the vessel in such a manner that it is not easily removable or likely to become detached. Engraving of the notice into the hull or deck of the vessel is not required.

ADDRESS FOR RETURN OF CERTIFICATE

The name and address must be completed legibly; the certificate will be mailed in a window envelope.



DATE OF REGISTRATION/PUBLICATION

MonthDayYear

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

1

TITLE

Please give the make and model of the vessel that embodies the design.

2

DESIGN

(a) What is the type or style of the design for which registration is sought?

(b) Provide a brief general statement setting forth the salient features of the design.

☐ Check here if this is a **single** design.

☐ Check here if registering **more than one** design. Use Form D-VH/CON for additional designs.

(c) If this design is derived from an earlier design, describe how that design has been revised, adapted, or rearranged.

3

DESIGNER(S)

Provide the name and address of the designer(s). The name of the employer may be given instead of the designer(s) if, (1) the design was made within the regular scope of employment of the designer(s) and (2) the individual authorship of the design is difficult or impossible to ascribe.

☐ Please check here if those conditions are satisfied and you are providing the employer's name.

Name: Address:

Name: Address:

4

OWNER, IF NOT DESIGNER(S)

If the owner is different from the designer(s) or employer named above, provide the name and address of the owner:

Name: Address:

Name: Address:

5

PRIORITY CLAIM

(a) Was an application for registration of this design identified in an application filed in a foreign country that extends to designs of owners who are citizens of the United States, or to persons filing applications in the United States, similar protection to that afforded in 17 U.S.C. chapter 13?

(b) If yes, identify the country and date of application:

☐ Yes ☐ No

Country: Date of application: Serial No:

6

DATE MADE PUBLIC

Was this design made public before the date of application? ☐ Yes ☐ No

If yes, on what date? MonthDayYear

DO NOT WRITE HERE OFFICE USE ONLY

APPLICATION RECEIVED

DESIGN COPIES RECEIVED

FUNDS RECEIVED

EXAMINED BY _____

FORM D-VH

CHECKED BY _____

CORRESPONDENCE

☐ YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

7

CONTACT
PERSON

Please provide the name and address of the person to whom correspondence regarding this application may be directed:

Name: _____

Address: _____

_____ E-mail address _____

FAX number _____ Daytime phone: () _____

8

DEPOSIT
ACCOUNT

Give the name and account number if the registration fee is to be charged to a Deposit Account established in the Copyright Office:

Name of Account: _____

Account number: _____

9

CERTIFICATION AND
SWORN STATEMENTS**DECLARATION:** The undersigned, as the applicant or the applicant's duly appointed agent or representative, being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, hereby declares to the best of his/her knowledge and belief:

- (1) that the design has been fixed in a useful article;
- (2) that the design is original and was created by the designer(s), or employer if applicable, named in the application;
- (3) that those aspects of the design for which registration is sought are not protected by a design patent;
- (4) that the design has not previously been registered on behalf of the applicant or applicant's predecessor in title; and
- (5) that the applicant is the person entitled to protection and to registration under chapter 13 of title 17, United States Code.

Complete if applicable:

The design has been made public with a design notice as prescribed by 17 U.S.C. §1306.

Following is the exact form of the design notice:

Where on the useful article is the design notice located?

If the undersigned is not the applicant, he/she is properly authorized to execute this application on behalf of the applicant.

**X**

Signature _____

Date _____

Print or type name _____

Position or Title _____

Telephone number _____

FAX number _____

E-mail address _____

As of July 1, 1999, the fee is \$75.00. For current fee information, please write the Copyright Office, check the Copyright Office Website at <http://www.loc.gov/copyright>, or call (202) 707-3000.Mail
certificate
to:Certificate
will be
mailed in
window
envelope

Name ▼ _____

Number/Street/Apt ▼ _____

City/State/ZIP ▼ _____

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 9

**SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:**

1. Application form
2. Nonrefundable filing fee in check or money order payable to *Register of Copyrights*
3. Design material

MAIL TO:

Dept. D-VH
Vessel Hull Registration
P.O. Box 71380
Washington, D.C. 20024-1380

17 U.S.C. §1327. Penalty for false representation. "Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than \$500 and not more than \$1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited."

January 1999—60,000

PRINTED ON RECYCLED PAPER

☆ U.S. GOVERNMENT PRINTING OFFICE: